

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-12 are currently pending in this application. Claim 6 has been canceled without prejudice. New claims 11 and 12 have been added. No new subject matter has been introduced.

Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled. Support for these amendments may be found in, for example, paragraphs [0082], [0087], and [0089] of Applicant's published patent application.

### **II. REJECTIONS UNDER 35 U.S.C. §102**

Claims 1-10 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Application No. 2006/0007317 to Lin (hereinafter, merely "*Lin*").

### III. RESPONSE TO REJECTIONS

Independent claim 1 recites, *inter alia*:

“An imaging apparatus for taking and recording an image, characterized by comprising:

...

an image recognizer which **recognizes an image in which an object having the characteristics as set is present within the image taken by the imaging apparatus and the at least one received image**; and

a recording controller operable to **control the recording of one or more selected images according to a result of an image recognition executed by the image recognizer** on the image taken by the imager and the at least one received image”  
(Emphasis added)

Applicant wishes to point out that *Lin*’s effective filing date of July 7, 2004 is ***predated*** by applicant’s foreign priority claim of June 26, 2003. Therefore, the *Lin* reference is not citable against applicant’s claims.

Furthermore, *Lin* does ***not*** disclose or suggest an “imaging apparatus” that includes “an image recognizer which recognizes an image in which an object having set characteristics is present within the image taken by the imaging apparatus and the at least one received image” and “a recording controller operable to control the recording of one or more selected images according to a result of an image recognition executed by the image recognizer on the image taken by the imager and the at least one received image[,]” as recited in claim 1.

Therefore, for at least the above reasons, Applicant respectfully submits that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 9 and 10 are also patentable.

Therefore, Applicant submits that independent claims 1, 9 and 10 are patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

#### **CONCLUSION**

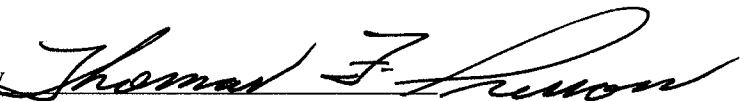
In view of the foregoing amendments and remarks, it is believed that all of the claims remaining in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portion or portions of the reference or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any  
overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicant

By   
Thomas F. Presson  
Reg. No. 41,442  
Ph: (212) 588-0800  
Fax: (212) 588-0500